

REMARKS/ARGUMENTS

The Examiner rejected claims 1-11, 13-15, 25-38, 50-53, and 59-64 as being obvious over Graves, U.S. Patent Number 5,410,344, in view of Herz, U.S. Patent No. 6,020,883 in view of Finseth, U.S. Patent Number 6,754,906.

Graves is related to a system for selecting audiovisual programs for presentation to a viewer. The programs have attributes and a corresponding content code including information pertaining to the attributes. The system includes a viewer preference file that is stored and a plurality of content codes, where the preference file and content codes are compared to select programs for presentation to the viewer. In particular, the preferences include a scale from 1 through 10 to indicate the desirability of particular channels (see Figure 6) and ratings (see Figure 5). The preferences also include a "no interest" indication (see Figures 5 and 6). A neural network uses the differences in the 1 through 10 preferences to rate each of the programs (see Figure 4). Hence, the preferences of 1 through 10 provided to the neural network increase the desirability of the program to a different degree or set to 'no interest'.

The Examiner notes that Graves fails to disclose that the user attribute information includes hierarchical levels, as claimed in claim 1.

The Examiner suggests that Herz et al. disclose user attribute information that includes hierarchical levels.

The Examiner notes that Graves fails to disclose that the program attribute information includes hierarchical levels, as claimed in claim 1.

The Examiner suggests that Fineseth et al. disclose program attribute information that includes hierarchical levels.

Neither Graves, Herz et al., nor Fineseth et al. suggest jointly evaluating preferences of at least the first level and the second level of said hierarchical levels of the program attribute information and processing preferences of at least the first level and said second level of the hierarchical levels of the user attribute information, as claimed in claim 1.

In contrast, Graves discloses a set of inputs, namely, A_0 through A_n which are arranged in a non-hierarchical manner, namely, a large list of preferences each of which having a value from 1 through 10. It is noted that none of the preferences are dependent upon other preferences, nor subsets thereof. The preferences then are input to a neural network which performs an analysis of the non-hierarchical data based upon equation. The neural network in essence performs a mathematical function based upon the set of non-hierarchical preferences to provide an output x . A neural network is a convenient manner of processing a data set with a large set of inputs. Graves et al. fail to disclose the hierarchical structure of the attribute information itself, does not suggest the capability of processing the hierarchical structure, nor suggest the benefit of such a hierarchical structure of the attribute information itself.

At most Herz et al. and Fineseth et al. each disclose a system by which only a single hierarchical set of data is processed.

Further, Graves, Herz et al., nor Fineseth et al. disclose any mechanism by which a set of preferences can be jointly evaluated nor suggest any benefit of doing so.

Claims 2-9 depend from claim 1, and are patentable for the same reasons asserted for claim 1.

Claim 10 patentably distinguishes over the cited prior art for reasons similar to those for claim 1.

Claims 11 and 13-15 depend from claim 10, and are patentable for the same reasons asserted for claim 10.

Claim 25 patentably distinguishes over the cited prior art for reasons similar to those for claim 1.

Claims 26-28 depend from claim 25, and are patentable for the same reasons asserted for claim 25.

Claim 50 patentably distinguishes over the cited prior art for reasons similar to those for claim 1.

Claims 51-53 depend from claim 50, and are patentable for the same reasons asserted for claim 50.



Claim 57 patentably distinguishes over the cited prior art for reasons similar to those for claim 1.

Claim 59 depends from claim 57, and is patentable for the same reasons asserted for claim 57.

Claim 60 patentably distinguishes over the cited prior art for reasons similar to those for claim 1.

Claims 61-64 depend from claim 60, and are patentable for the same reasons asserted for claim 60.


Applicant submits that no fees are required for entry of this Amendment. If any fees are deemed necessary, however, the Commissioner is authorized to charge the requisite fee to Deposit Account No. 03-1550.

Respectfully submitted,

CHERNOFF, VILHAUER, McCLUNG & STENZEL

Dated: October 11, 2006

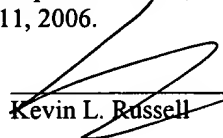
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 11, 2006.

Dated: October 11, 2006


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